

Minutes
Nevada State Emergency Response Commission
Policy Committee

Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, NV

January 12, 2006

Members Present

Jim O'Brien, Chair
Richard Mirgon
Tom Porta
Jim Reagan

Guests

Doyle Sutton
Stacey Giomi
Gary Hames
Jim Najima

Staff

Karen Kennard
Suzanne Adam
Glade Myler

I. Call to Order

Jim O'Brien called the meeting to order at 9:06 a.m. Mr. O'Brien took roll advising that Larry Farr would not be present; however, there was a quorum.

II. Introductions

No introductions.

III. Old Business

A. Approval of the October 5, 2005 meeting minutes

Richard Mirgon motioned to approve the minutes of the October 5, 2005 meeting. Tom Porta seconded the motion which was approved unanimously.

B. Discussion/Recommendation on possible development of a policy to accept faxed or e-mailed documents.

Karen Kennard advised, as requested, she formed policy 8.13 to reflect this recommendation.

Discussions ensued about the wording in sections C, D and E of the policy. Sections C and D only include faxing a signed document. Section E indicates faxing and e-mailing.

Mr. Mirgon made a motion to recommend to SERC the approval of policy 8.13 with the revisions as proposed; sections C and D will read "facsimile or e-mail." Section E will read "facsimile or e-mail." Mr. Porta seconded the motion which was approved unanimously.

IV. New Business

A. Discussion/Recommendation on possible revision to SERC policy 8.1, "Review of Annual Hazardous Materials Response Plan and Exercise

Report form,” regarding requirement for annual exercise and requiring advance notice of exercise

Ms. Kennard stated she found over the course of the last quarter in working on NACs with Legislative Council Bureau, it is not an EPCRA requirement to have exercises annually. The EPCRA manual states exercises are required annually; however, it does not list any law to support this. Ms. Kennard recommended the deletion of the section where it states that it is an EPCRA requirement and modify it to read it is a SERC requirement. EPCRA states the need to have and review a plan but it is not required by law to exercise it or report on an incident in place of the drill.

Mr. Mirgon made a motion to recommend to SERC the approval of policy 8.1 with additions and deletions as presented. Mr. Porta seconded the motion which was approved unanimously.

B. Discussion/Recommendation on possible revision to SERC policy 8.3, “Certified Assurances and Compliance Certification,” regarding the requirement to submit an affidavit of publication and to include the requirement for advance notice of LEPC meetings

Pursuant to direction of this Committee at its last meeting, Ms. Kennard checked with EPCRA to see if there are any requirements for an affidavit of publication. There is no such requirement at the federal level. Ms. Kennard advised she requested an opinion from Glade Myler, Senior Deputy Attorney General, which was not an official opinion. She stated Mr. Myler advised it would be prudent, from a legal standpoint for SERC, as supervisor of the LEPCs, to request the LEPCs use affidavits of publication as proof of notice to the public. The policy, as it stands, already includes the requirement to submit the affidavit. A discussion ensued as to whether the affidavit of publication would be appropriate. It was decided no action was necessary.

There was a discussion as to whether the addition to 2b of the policy regarding advance notice was necessary. The discussion was opened to public comment. Stacey Giomi, Carson City LEPC, stated it was the responsibility of the LEPC to ensure the proper agencies were notified of the meetings and this would add one more task to be completed. Ms. Kennard advised the SERC is notified of LEPC meetings after the fact and, therefore, it cannot be added to the SERC website or attended by staff, SERC members or other LEPCs. Ms. Kennard made a suggestion the SERC be placed on the LEPCs’ list of meeting notification contacts.

Mr. Mirgon made a motion to recommend to SERC the approval of policy 8.3 as presented of striking the new language under 2b. Mr. Porta seconded the motion which was approved unanimously.

C. Discussion/Recommendation on possible revision to SERC policy 8.6, “Reporting,” deleting reference to EPCRA requiring annual exercises
No discussion.

Mr. Mirgon made a motion to recommend to SERC the approval of policy 8.6 as presented. Mr. Porta seconded the motion which was approved unanimously.

D. Discussion/Recommendation on possible revision to SERC Policy 8.9, “LEPC submission of Bylaws and Membership lists,” to change due date from 3-31 to 1-31

Ms. Kennard stated this revision would combine dates and allow time for the various SERC committees to be able to review the information prior to grant awards.

Mr. Mirgon made a motion to recommend to SERC the approval of policy 8.9 as presented. Mr. Porta seconded the motion which was approved unanimously.

V. Public Comments

No public comment.

VI. Adjournment

The meeting adjourned at 9:30 a.m.